



# Forest Heights Police Department Policy and Procedures Manual

Subject:	Electronic Control Device			
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## A. Purpose

To establish policy regarding Forest Heights Police Department (FHPD) officers use of an electronic control device (ECD).

## B. Policy

Electronic control devices may be used by authorized and trained FHPD officers in accordance with this policy and the Department's Use of Force policy.

## C. Definitions

**ANTI-FELON IDENTIFICATION TAGS (AFIDs):** means small 20 to 30 confetti-like tags that are ejected from an ECD cartridge every time the cartridge is discharged. Each AFID is printed with the serial number of the cartridge discharged which allows law enforcement to determine which cartridge was fired.

**DISCHARGE:** means firing an ECD at a person (whether by direct contact or by discharging probes). Discharge does not include firing an ECD during a training exercise.

**DISPLAY:** means making a prominent exhibition of drawing, aiming, or otherwise draw attention to the possible use of the ECD.

**ELECTRONIC CONTROL DEVICE (ECD):** means a portable device designed as a weapon capable of injuring, immobilizing, or inflicting pain on an individual by the discharge of electrical current. The device uses electricity to override voluntary motor responses, or applies pain in order to gain compliance or overcome resistance. The device is designed to be employed with a low risk of injury and is used on an individual by the direct contact of the device in the hand of a trooper (also known as "drive stun" or "contact stun") or the shooting of small probes on a short range tether connected to the device.

**MEDICALLY VULNERABLE:** means a person at risk of injury from an ECD; included are persons who reasonably appear to be or are known to be children, pregnant, medically infirm (ill, frail, in poor health, etc.), or weighing less than 80 lbs.

**PASSIVE RESISTANCE:** means a refusal by an unarmed person to comply with a trooper's verbal commands or physical control techniques that does not involve the use of physical force, control or resistance of any kind.

## D. Authorized Electronic Control Devices

1. Only ECDs, cartridges, holsters and accessories purchased by the FHPD and approved by the Chief, and in conformance with the Maryland Police and Corrections Training Commissions recommendations, are authorized for use.
2. Substitutions of ECDs, cartridges, holsters and accessories are not permitted without the written approval of the Chief.
3. The FHPD will be responsible for acquiring ECDs, cartridges and accessories from the approved vendor and for maintaining adequate replacements and supplies for all ECD equipment.
4. Procedures regarding property accountability will be adhered to under existing equipment inventory policy.
5. Lost and damaged ECD equipment will be reported on a Loss/Damage Report.

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6. Unsafe or malfunctioning ECDs will be removed from service immediately. No repairs will be performed on ECDs unless authorized by the Chief. Repairs will only be made by the manufacturer or manufacturer's authorized representative, or by an allied agency employee who has been certified as an ECD armorer by the ECD manufacturer.

#### **E. Training**

The Chief will be responsible for:

1. developing the initial ECD certification and annual ECD recertification training program with the Maryland Police and Corrections Training Commissions (MPCTC); and
2. designating an ECD Coordinator to manage the FHPD ECD training program.

#### **F. Authorized Users**

1. Only officers who have been approved to carry and who have successfully completed the MPCTC ECD training program, and are currently certified, are authorized to carry and use an ECD.
2. Unless in uniform, ECDs will not be used or carried by officers while off-duty.

#### **G. Weapon Readiness**

1. The ECD will be carried in an approved holster on the side of the body opposite the primary weapon.
2. The ECD will be carried fully armed with the safety engaged, or, if not equipped with a safety, in the "OFF" position, in preparation for immediate use.
3. Officers will be issued a minimum of one spare cartridge as a backup in case of cartridge failure or the need for additional discharges. The spare cartridge will be stored and carried in a manner consistent with training and the cartridges will be replaced following the manufacturer's expiration requirements.
4. Only manufacturer approved battery power sources will be used in the ECD.
5. To ensure an ECD is functioning properly, prior to each shift, officers will:
  - a. inspect the ECD for damage and debris; and
  - b. conduct a functionality test consistent with the MPCT ECD training.

#### **H. Storage and Security**

1. ECDs will be stored consistent with the FHPD firearms policy.
2. When an on-duty officer is not wearing an issued ECD it will be stored in an appropriate locked container (e.g., safe, vault, weapons locker, etc.) with the cartridge removed and the safety engaged.
3. When stored in the officer's residence, the cartridge will be removed from the ECD and both the cartridge and ECD will be stored out of the reach of children and other individuals.

#### **I. Use**

1. The ECD will only be used in a manner consistent with training procedures established by the MPCTC.
2. When feasible, troopers will consider whether the individual is medically vulnerable in determining whether discharging an ECD is objectively reasonable.
3. Upon discharging the device on an individual, the officer will energize the subject no longer than objectively reasonable to overcome resistance and bring the subject under control. At no time will any ECD be used as a form of punishment, or outside of a law enforcement context.
4. In determining the need for additional energy cycles, officers should be aware that an energized subject may not be able to respond to commands during or immediately following exposure.

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5. If the subject does not respond to the ECD discharge in the anticipated manner, which is evaluated based on an officer's training and experience, the officer should consider transitioning to alternative resistance control measures.
6. To minimize the number of cycles needed to overcome resistance and bring the subject under control, the subject should be secured as soon as practical while affected by ECD power or immediately afterwards.

#### **J. Prohibited Use**

The ECD will not be used on those who passively resist as defined in this policy and should not be used in the following situations:

1. On a handcuffed or secured prisoner, absent overtly assaultive, self-destructive or violently resistive behavior that cannot be reasonably be controlled by other readily available means,
2. In any environment where an officer reasonably believes that a flammable, volatile or explosive material is present, including gasoline, natural gas, propane or other flammable liquids.
3. In any situation where the officer has a reasonable belief the subject may fall from an elevated structure resulting in death or serious physical injury.
4. In an environment where an officer has a reasonable belief the subject may drown.
5. Against a subject in physical control of a vehicle in motion unless exigent circumstances exist.
6. As a punitive measure.

#### **K. Post-Discharge Considerations**

1. The ECD probes may be removed from the subject following procedures outlined in training after the subject is restrained..
2. The ECD probes should be treated as a biohazard risk.
3. Officers may have the probes removed by medical personnel on scene or at a medical facility to reduce the risk of exposure to infectious diseases.
4. Officers will request emergency medical response, or the subject will be transported to a medical facility for an examination if any of the following occur:
  - a. The individual makes a request for medical attention, or there is an obvious need for medical attention;
  - b. The ECD was applied to a sensitive area, such as: eye, face, head, breasts, or genitals;
  - c. The officer has difficulty removing the probes;
  - d. The individual does not appear to recover in a reasonable period of time after being subjected to an ECD discharge, as determined by the officer;
  - e. The officer becomes aware that the individual is medically vulnerable as defined in this policy;
  - f. The individual has been exposed to three or more ECD cycles;
  - g. The individual has been exposed to the effects of more than one ECD device; or
  - h. The officer determines it is in the best interest of the exposed person to have the person transported to a medical facility for a routine examination.
5. If the probes penetrate the flesh, photographs of the contact area should be taken after they are removed.
6. When an ECD has been discharged, the officer will collect the following items and secure them as evidence:
  - a. cartridge;
  - b. wire leads;

- c. probes and
- d. AFIDs.

**L. Shift Supervisor's Responsibility**

1. When feasible, promptly respond to all incidents of ECD discharge or anticipated discharge.
2. Ensure that all Use of Force reporting requirements have been fulfilled prior to the end of the shift.
3. Ensure all evidence has been collected and properly packaged per MPCTC training.
4. Ensure that data from the ECD, including audio/video recordings if the ECD is so equipped, is downloaded following use and is made part of the Use of Force review.
5. Ensure that the ECD is tested and functioning properly after each discharge.

**M. Chief's Responsibility**

1. Select officers and supervisors to attend ECD training.
2. Designate an ECD certified supervisor as the ECD Supervisor.
3. Review all ECD discharges to ensure compliance with the FHPD Use of Force policy.<sup>1</sup>

**N. ECD Supervisor's Responsibility**

1. Receive, inspect, and ensure the maintenance and replacement of the ECD, manufacturer's power source (approved batteries), spare cartridges and corresponding equipment.
2. Maintain a list of assigned ECD certified officers, training records, and ECD correspondence assigned to that unit.
3. Inspect ECDs monthly for condition and maximum shelf life. Return for replacement any damaged or defective units and cartridges to the Chief.
4. Maintain an ECD Logbook to record ECD assignments containing: date, time, officer's name and ID, make, serial number, functionality test and power source reading.

**O. Reporting**

1. After discharging or displaying an ECD, excluding a functionality test or training exercise, officers will:
  - a. Notify a supervisor as soon as possible in accordance with Use of Force procedures.
  - b. Complete a Use of Force Report and an Injury to Prisoner Detailed Report, when applicable.
  - c. Take photographs of any injuries to the suspect and/or officers.
  - d. Download data from the ECD, including audio/video recordings if the ECD is so equipped. The file will be considered a part of the Use of Force review.
2. In accordance with MD Annotated Code Public Safety §3-508, each time an officer discharges an ECD, the discharging officer will specifically document in the Use of Force report the following:
  - a. date, time and location of the discharge;
  - b. the type of mode used (probe or contact) and the point of impact;
  - c. the number of ECD cycles, duration of each cycle and the duration between cycles;
  - d. the race, gender, and age of the person against whom the ECD was discharged;

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- e. the officer's reason for discharging the ECD;
  - f. the type of weapon, if any, possessed by the person against whom the ECD was discharged;
  - g. the type of incident in which the person against whom the ECD was discharged was Involved;
  - h. any injuries or deaths resulting from the discharge other than punctures or lacerations caused by the ECD probes; and
  - i. the type of medical care, if any, provided to the person against whom the ECD was discharged, other than the treatment of puncture or lacerations caused by the ECD probes.
3. The Prince George's County Police Department Internal Affairs Division (IAD) Commander will:
- a. Compile the data described in subsection 2 of this section for each year as a report in the format required by the Maryland Police and Correctional Training Commission;
  - b. No later than March 31st of each year, submit the report to the Governor's Office of Crime Control and Prevention.
    - (1) The report will be made available to the public on request pursuant to the Public Information Act.
    - (2) This subsection remains in effect until September 30, 2016 pursuant to MD Code Annotated, Public Safety §3-508.
  - c. The IAD Commander will report the data described in subsection 2 of this section in accordance with the FHPD use of force reporting requirements.

#### **P. Auditing**

- 1. All Department ECDs will be subjected to periodic and random data downloading. The data obtained will be reconciled with existing Use of Force Reports to ensure accountability between the cycles recorded, and those documented in such reports and occurring in pre-shift testing. The Chief will be responsible for ensuring audit discrepancies are reconciled.
- 2. The FHPD will be the central repository for oversight, monitoring, and collection of statistical data generated by the use of the ECD.